

### **REMARKS**

Claims 1-3, 5, 7-12, 14-28, and 30-33, and 38 are pending. Claims 1-38 were rejected. Applicants are amending claims 1, 3, 7-12, 14-16, 18, 19, 20, 27, and 30. Claims 4, 6, 13, 29, and 34-37 are canceled.

Claim 1 was amended to incorporate the features of canceled claims 4, 6, and 13. Claim 27 was amended to incorporate the features of canceled claim 29. Claims 7-12, 14-16, 18, 19, 20 and 30 were amended to recite the correct dependency and/or to recite the correct indices. Thus, no new matter has been introduced, and no new issues have been raised by this amendment.

#### **Claim Rejections – 35 U.S.C. §101**

**Claims 34-37 are rejected under 35 U.S.C. §101 because the claimed invention is allegedly directed to non-statutory subject matter.**

The Applicants have canceled claims 34-37 in order to expedite prosecution.

#### **Claim Rejections – 35 U.S.C. §102**

**Claims 1-38 were rejected under 35 U.S.C. §102(a) as allegedly being anticipated by US Patent No. 6,678,889 B1 (Burkett).**

Regarding independent claim 1, Applicants are amending the claim to include the feature of “(c) creating the application through the user-interface wherein (c) comprises: (i) creating a representation of the application, the representation having a stage, the stage having at least one component; and (ii) compiling the representation of the application in concert with the policy.” The amendment incorporates the features of canceled claims 4, 6, and 13.

Burkett fails to disclose, teach, or suggest this feature. Rather, Burkett discloses a console 10 that is used for managing various products (e.g., application IBM Host Publisher 30h). As illustrated in fig. 2, drawer 32h is associated with a hierarchal list or administrative

tasks and resources that may be associated with application 30h. Burkett further discloses a document defined by Console Markup Language (CML) that specifies console 10. (Column 5, lines 43-67.) Burkett's teachings presuppose (require) a previously created application and merely suggest the management of the application, e.g., IBM Host Publisher 30h. Burkett, therefore, cannot disclose, teach, or suggest "creating [an] application" or "compiling the representation of [an] application in concert with the policy." Emphasis added. The Office Action asserts on p. 3 that Burkett is capable of creating "tasks" and that this constitutes the claimed feature of "creating the application." Even if the Office Action's interpretation is correct, Burkett does not disclose that the performing of the tasks includes "compiling the representation of [an] application in concert with the policy". Rather, the console 10 that is used for managing various products in Burkett is compiled before any tasks are performed. (See column 4, line 63-column 5, line 7). Burkett, therefore, cannot fairly disclosed, teach, or suggest claim 1.

Moreover, claims 2-5, 7-12, and 14-26 ultimately depend from claim 1 and are not anticipated by Burkett for at least the above reasons.

Regarding independent claim 27, Applicants are amending the claim to include the feature of "a complier module that is coupled to the policy module and that transforms the representation into a set of computer-executable instructions, the set of computer-executable instructions being consistent with the metadata contained in the policy module." The amendment incorporates the features of canceled claim 29.

Burkett fails to disclose, teach, or suggest this feature. As previously discussed, Burkett's teachings presuppose a previously created application and merely suggest the

management of the application. Additionally nowhere in Burkett is there any teaching or suggestion of “a complier module that is coupled to the policy module and that transforms the representation into a set of computer-executable instructions, the set of computer-executable instructions being consistent with the metadata contained in the policy module.” Burkett, therefore, cannot fairly teach or suggest claim 27.

Claims 28 and 30-33 ultimately depend from claim 27 and are not anticipated for at least the above reasons.

Claims 34-37 have been canceled by this amendment and the rejection in light of Burkett is now moot.

Independent claim 38 includes, among other features, “(b) dynamically constructing a user-interface in accordance with the policy, the user-interface supporting a design surface for a creation of the application and a toolbox with a plurality of available components; creating a representation of the application, the representation having at least one stage, each stage having at least one component selected from the plurality of available components by a user; (d) compiling the representation of the application in concert with the policy.” Burkett fails to teach this feature. As previously discussed, Burkett’s teachings presuppose a previously created application and merely disclose the management of the application, and there is no suggestion in Burkett of “compiling the representation of the application in concert with the policy.” Burkett, therefore, fails to disclose, teach, or suggest claim 38.

**CONCLUSION**

All objections and rejections have been addressed. Hence, it is respectfully submitted that the present application is in condition for allowance.

Respectfully submitted,

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